

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMETT A. BUCKLES III,

Defendant.

CR 13-58-GF-BMM

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS TO  
REVOKE DEFENDANT'S  
SUPERVISED RELEASE**

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United States Magistrate Judge Keith Strong entered Findings and Recommendation in this matter on April 7, 2014. (Doc. 43.) Judge Strong recommended that the Court revoke Defendant Emmett Buckles III's (Buckles) supervised release after Buckles appeared before him. (Doc. 43 at 7.) Buckles admitted that he had violated Special Condition 7, by consuming marijuana and methamphetamine in January and February of 2014, and violated Special Condition 2, by failing to attend chemical dependency treatment sessions on or about February 6, February 20, and February 27, 2014. (Doc. 43 at 2,3.)

Judge Strong found the admissions sufficient to establish the supervised release violations. (Doc. 43 at 3.) Judge Strong recommended that the Court revoke Buckles's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of eight months, followed by twenty-eight months of supervised release. (Doc. 43 at 7.)

Neither party objected to Judge Strong's Findings and Recommendations. The Court reviews for clear error Judge Strong's Findings and Recommendation. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

No clear error exists in Judge Strong's Findings and Recommendations, and the Court adopts them in full. Buckles admitted that he violated Special Conditions 2 and 7. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of eight months custody followed by twenty-eight months of supervised release is appropriate because Buckles promptly and deliberately violated multiple conditions of his supervised release. A lengthy period of supervised release is necessary to support Buckles in resisting drug use. Therefore,

**IT IS ORDERED**, that Judge Strong's Findings and Recommendations  
(doc. 43) are **ADOPTED** in full and Judgment shall be entered accordingly.

Dated the 23rd day of April, 2014.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris  
United States District Court Judge